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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,001	10/12/2001	Shigeto Oeda	58799-051	8545

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EXAMINER

AVELLINO, JOSEPH E

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/975,001

Applicant(s)

OEDA ET AL.

Examiner

Joseph E. Avellino

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-18 are presented for examination; claims 1, and 9-13 independent.

Allowable Subject Matter

2. Claim 4 is allowable over the prior art of record.
3. The following is an examiner's statement of reasons for allowance: The prior art of record does not provide for, nor suggests providing for a log generation apparatus which restricts information in a log by a ratio of disclosure, and then inserts dummy values into the log. This information is filtered according to a percentage ratio such that the receiver only receives only a subset of the total contents of the log. The entries that are removed are then padded with dummy entries (i.e. if the ratio is set to 40%, then the other 60% is dummy entries. The dummy entries are created by a pseudo information generating means which generates the pseudo information in the same format, wherein the pseudo information would be construed as genuine log information. The pseudo information generating means 404 generates user-designated information and pseudo user-designated information indicative of information about a pseudo pattern. The pattern is a method of cutting out log information transmitted in the past every predetermined periods at random and connecting then to thereby generate pseudo user-designated information. For these reasons, in conjunction with the other limitations of the allowed independent claim, put this claim in condition for allowance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-3, and 5-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nadine (EP 1 032 207) (cited by Applicant in IDS) in view of O'Flaherty et al. (USPN 6,275,824) (hereinafter O'Flaherty).

5. Referring to claim 1, Nadine discloses an information apparatus comprising:
user-designated information acquiring means for acquiring sequential user-designated information including information regarding selections made by a user (i.e. recording information items representing the screening of transmissions by a user) e.g. abstract; col. 1, ¶¶ 6-8);

accuracy setting means for specifying accuracy setting information (i.e. what values will be saved in memory 20), said accuracy setting information including a ratio (i.e. how much and of what information pertaining to the screening) of disclosure of the acquired user designated information to the external device, whereby the user-

Art Unit: 2143

designated information notifying means is controlled according to the accuracy setting information specified by the user-designated information accuracy setting means (col. 5, ¶ 39) to thereby transmit log information which changes in accordance with time as the notification (i.e. constantly gathered as the stations change) to the external device (i.e. to an operator who can use these data for audience studies) (col. 5, ¶ 39-42).

Nadine does not specifically disclose the log information is restricted according to a ratio of disclosure. In analogous art, O'Flaherty discloses another database management system which discloses restricting information in the database based on a ratio of disclosure (i.e. based on the class of the requesting application, limiting the returned data according to user-defined privacy parameters, thereby creating a subset of the original data table based on what the application is allowed to access) (e.g. abstract; Figure 9; col. 9, lines 25-35). It would be obvious to one of ordinary skill in the art to combine the teachings of O'Flaherty with Nadine in order to protect data from abuse, thereby providing a complete data warehousing system while addressing the privacy concerns of the consumer as supported by O'Flaherty (col. 2, lines 45-50).

6. Referring to claim 2, Nadine discloses the log information is transmitted to the external device together with log accuracy information generated based on the accuracy setting information (i.e. "select information items which will be saved in the memory") (col. 5, ¶ 39-42).

Art Unit: 2143

7. Referring to claim 3, Nadine discloses including AV function control means (i.e. controlling the display of information) including a broadcast type contents receiving function (e.g. abstract).

8. Referring to claim 5, Nadine discloses including storing means configured to: store information, said stored information including part of the log information and the accuracy setting information (i.e. it is inherent that the accuracy setting information must be stored, otherwise the system would be unable to determine what values are to be stored in memory 20) (col. 5, ¶ 39-42), and transmit the stored information to the external device (col. 5, ¶ 39-42).

9. Referring to claim 6, Nadine discloses the user-designated information acquiring means acquires user-designated information from each of the external AV devices respectively having AV function control means (i.e. television receivers), which are independent of the information processing apparatus (e.g. abstract).

10. Referring to claim 7, Nadine discloses the user-designated information acquiring means acquires user-designated information from a home appliance (i.e. a television receiver) independent of the information processing apparatus (e.g. abstract).

11. Referring to claim 8, Douvikas discloses a method for

(a) receiving contents information, said contents information comprising both contents substantial information (i.e. events table) and contents selection information (i.e. accuracy setting information, labels to be stored) for specifying a method of reproducing at least part of the contents substantial information (i.e. determining what information should be transmitted to the memory), and

(b) reproducing the contents substantial information, is determined according to the contents selection information and the user-designated information (i.e. storing only those values which the user requests to be stored) (col. 5, ¶¶ 39-42).

12. Claims 9-18 are rejected for similar reasons as stated above. Furthermore O'Flaherty discloses the pseudo user-designated information is replaces the user-designated information according to the ratio of disclosure (i.e. based on the privacy level, the data is encrypted and replaces the clean text of the data) (col. 10, lines 49-57).

Response to Arguments

13. Applicants arguments pertaining to claims being indefinite are persuasive. The rejections under 35 USC 112, second paragraph are withdrawn.

14. Applicants other arguments have been fully considered but are not persuasive.

15. In the remarks, Applicant argues, in substance, that (1) neither Nadine nor O'Flaherty disclose the claimed "ratio of disclosure".

16. As to point (1) Applicant is incorrect. Applicant can clearly find in the above passages that the combination of Nadine in view of O'Flaherty does, in fact, disclose the claimed "ratio of disclosure". Applicant argues features which are not claimed (i.e. quoted passages of the specification, alleged features of the claimed invention, etc.) however Applicant must be made aware that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). By this rationale, the rejection is maintained.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

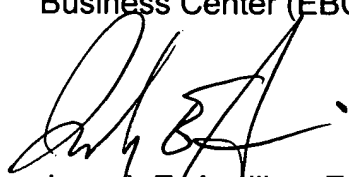
19. Applicant employs broad language, which includes the use of word, and phrases, which have broad meanings in the art. As the claims breadth allows multiple interpretations and meanings, which are broader than Applicant's disclosure, the Examiner is forced to interpret the claim limitations as broadly and as reasonably possible, in determining patentability of the disclosed invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.1993). Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response, and reiterates the need for the Applicant to more clearly and distinctly, define the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.

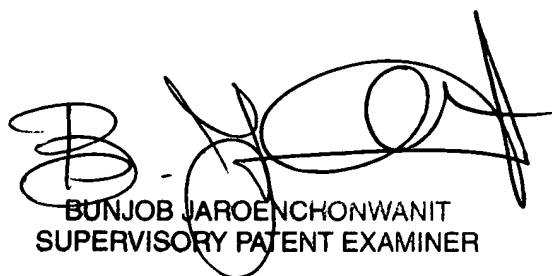
Art Unit: 2143

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joseph E. Avellino, Examiner
September 26, 2006



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SUPERVISORY PATENT EXAMINER